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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Note by the Secretary-General

1. In accordance with the provisions of its article XV, paragraph 1, the International Convention on the Suppression and Punishment of the Crime of Apartheid entered into force on 18 July 1976, on the thirtieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification.

2. As at 15 December 1992, the Convention had been ratified or acceded to by 95 States. A list of States parties to the Convention, as well as the dates of entry into force of the Convention for the States concerned, appears in the annex to the present note.

3. Under article VII of the Convention, the States parties undertake to submit to the group established under article IX periodic reports on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention.

4. In accordance with article IX of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representative of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII.

5. The Group of Three on the implementation of the Convention, appointed by the Chairman of the Commission on Human Rights at its forty-sixth session under article IX of the Convention, was composed of the representatives of Ethiopia, Mexico and the Philippines. The Group met at the United Nations

Office at Geneva from 21 to 25 January 1991. It had before it reports submitted since the forty-sixth session of the Commission on Human Rights by two States Parties, Bolivia and Panama.

6. In its report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/42), the Group of Three, inter alia, noted with great concern that, as at 31 December 1990, more than 80 reports were overdue under the Convention, and it strongly urged the States parties concerned to fulfil their reporting obligations and to expedite the submission of their overdue reports, as requested by the General Assembly in its resolution 45/90. The Group called upon all States parties to the Convention to incorporate in their legislation provisions relating to the "crime of apartheid", including practices of racial segregation and discrimination, in accordance with article II of the Convention, and to provide appropriate penalties in respect of persons guilty of the crime of apartheid, as stipulated in article IV (b) of the Convention, and in that connection it reiterated the view that consideration should be given to the drawing up of model legislation that would serve the States parties as a guide for the implementation of the provisions of the Convention. It wished to appeal once again to States parties, through the Commission on Human Rights, to strengthen their cooperation at the international level and to adopt legislative and administrative measures to implement fully and expeditiously, in accordance with the Charter of the United Nations, the decisions taken by the Security Council and other competent organs of the United Nations and its specialized agencies aimed at the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention. The Group wished to emphasize once again the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invited the States parties to include information on those measures in their reports. It also reiterated its opinion that the assistance given to national liberation movements in South Africa should be strengthened and called upon the international community to contribute generously to such movements. Taking into account Commission on Human Rights resolution 1989/8 of 23 February 1989, by which the periodicity for the submission of reports was extended from two-year to four-year intervals, and noting that for the 1991 session only two reports had been received, as compared to the average of 10 reports per year received in previous years, the Group recommended to the Commission that the Group of Three should henceforth meet every two years rather than annually as at present.

7. While the Group noted that limited progress had taken place between the South African authorities and the political leaders of the majority of the people, it reiterated its conviction that the maintenance of comprehensive and mandatory sanctions, as well as other forms of pressure against the racist regime in South Africa, was an important and effective means available to the international community for putting an end to the system of apartheid. At the same time, the Group considered that it would be desirable to undertake serious efforts to bring to an end the policies and practices of apartheid of the Government of South Africa through negotiations based on the principle of justice and peace for all as stated in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted unanimously by the General Assembly at its sixteenth special session in resolution S-16/1 of 14 December 1989.

8. By its resolution 1991/10 of 22 February 1991, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", the Commission on Human Rights took note with appreciation of the report of the Group of Three, and in particular of the conclusions and recommendations contained therein; requested the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they might submit additional information to the Group at any time in the intervening period if they wished to do so; recommended once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex); took note of the opinion expressed by the Group in its report that transnational corporations operating in South Africa must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention; called upon all States whose transnational corporations continued to do business with South Africa to take appropriate steps to terminate their dealings with South Africa; requested the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa; requested the Group to continue, in the light of the views expressed by States parties, the examination of the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-ninth session, and decided that henceforth the Group of Three should meet every two years rather than annually to consider the reports submitted by States parties in accordance with article VII of the Convention.

9. At its forty-sixth session, the General Assembly, by its resolution 46/84 of 16 December 1991 inter alia, took note of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; commended those States parties to the Convention that had submitted their reports under article VII of the Convention and underlined the importance of the universal ratification of the Convention, which would be an effective contribution to fulfilling the ideals of the Universal Declaration of Human Rights and other human rights instruments. It appealed once again to the States that had not yet done so to ratify or to accede to the Convention without further delay, and called upon all States whose transnational corporations continued to do business with South Africa to take appropriate steps to terminate their dealings with South Africa. The Assembly also requested the Commission on Human Rights to intensify, in cooperation with the Special Committee against Apartheid, its efforts to compile and update periodically the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings had been undertaken. Furthermore, the Assembly requested the Secretary-General to circulate the above-mentioned list among all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication;

to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the forms of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa; and to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention.

10. By his notes verbales dated 12 September 1991, the Secretary-General brought to the attention of the States parties the relevant provisions of the Convention and of Commission resolution 1991/10 and General Assembly resolution 45/90 as well as the conclusions and recommendations of the Group of Three contained in the report on its 1991 session, and requested them to submit their reports within the time-limits indicated for transmission to the Group of Three at its 1993 session. By another note, dated 12 September 1991, the attention of specialized agencies and non-governmental organizations was drawn to the provisions of Commission resolution 1991/10, by which they were invited to provide the Commission with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa.

11. Since the forty-seventh session of the Commission, the following States parties to the Convention have submitted their reports: Algeria (E/CN.4/1993/52/Add.1), Senegal (E/CN.4/1993/52/Add.2), Colombia (E/CN.4/1993/52/Add.3), Tunisia (E/CN.4/1993/52/Add.4), Venezuela (E/CN.4/1993/52/Add.5), Mexico (E/CN.4/1993/52/Add.6), and Union of Soviet Socialist Republics (E/CN.4/1993/52/Add.7). These reports will be available to the Group of Three for examination at its fifteenth (1993) session, which is scheduled to be held at Geneva from 25 to 29 January 1993, and to the Commission on Human Rights at its forty-ninth session.

12. Any other reports which may be received by the Secretary-General in time for consideration by the Group of Three will be issued in further addenda to the present document.

Annex

STATES PARTIES TO THE CONVENTION AND STATUS OF SUBMISSION OF REPORTS IN ACCORDANCE WITH COMMISSION ON HUMAN RIGHTS RESOLUTION 1989/8 a/

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Afghanistan	5 August 1983	-	-	-
Algeria	25 June 1982	6 August 1982	1985 session	E/CN.4/1985/26/Add.3
		28 October 1987	1988 session	E/CN.4/1988/30/Add.5
		29 January 1991	-	E/CN.4/1993/52/Add.1 b/
Antigua and Barbuda	6 November 1984	-	-	-
Argentina	7 December 1985	23 December 1987	1988 session	E/CN.4/1988/30/Add.6
Bahamas	30 April 1981	16 November 1989	1990 session	E/CN.4/1990/32/Add.6
Bahrain	27 April 1990	-	-	-
Bangladesh	7 March 1985	4 January 1988	1988 session	E/CN.4/1988/30/Add.7
Barbados	9 March 1979	17 July 1981	1982 session	E/CN.4/1505/Add.1
Belarus	18 July 1976	8 February 1978	1979 session	E/CN.4/1277/Add.14
		6 October 1980	1981 session	E/CN.4/1415/Add.4
		25 January 1983	1984 session	E/CN.4/1983/24/Add.13
		14 May 1984	1985 session	E/CN.4/1985/26/Add.1
		21 May 1987	1988 session	E/CN.4/1988/30/Add.4
Benin	18 July 1976	-	-	-
Bolivia	5 November 1983	2 November 1990	1991 session	E/CN.4/1990/40/Add.2
Bulgaria	18 July 1976	4 January 1978	1978 session	E/CN.4/1277/Add.7
		5 February 1980	1981 session	E/CN.4/1353/Add.10
		15 December 1982	1983 session	E/CN.4/1983/24/Add.8
		28 December 1985	1985 session	E/CN.4/1985/26/Add.6
		26 January 1988	1989 session	E/CN.4/1989/31/Add.1

Annex (continued)

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Burkina Faso	23 November 1978	-	-	-
Burundi	11 August 1978	12 November 1980	1981 session	E/CN.4/1415/Add.8
		2 September 1989	1990 session	E/CN.4/1990/32/Add.5
Cambodia	27 August 1981	-	-	-
Cameroon	1 December 1976	6 October 1977	1978 session	E/CN.4/1277/Add.3
		24 January 1986	1987 session	E/CN.4/1987/26/Add.1
Cape Verde	12 July 1979	25 June 1982	1983 session	E/CN.4/1983/24/Add.3
		4 August 1983	1984 session	E/CN.4/1984/36/Add.4
Central African Republic	7 June 1981	-	-	-
Chad	18 July 1976	11 September 1986	1987 session	E/CN.4/1987/26/Add.13
China	18 May 1983	6 May 1986	1987 session	E/CN.4/1987/26/Add.5
		3 July 1989	1990 session	E/CN.4/1990/32/Add.4
Colombia	22 June 1988	12 March 1991	-	E/CN.4/1993/52/Add.2 b/
Congo	4 November 1983	-	-	-
Costa Rica	14 November 1986	-	-	-
Croatia	8 October 1991	-	-	-
Cuba	3 March 1977	3 January 1978	1978 session	E/CN.4/1277/Add.8
		28 January 1980	1981 session	E/CN.4/1353/Add.7
		15 March 1982	1983 session	E/CN.4/1983/24/Add.1
		2 February 1984	1985 session	E/CN.4/1984/36/Add.9
		7 February 1986	1987 session	E/CN.4/1987/26/Add.2
		26 February 1988	1989 session	E/CN.4/1989/31/Add.4

Annex (continued)

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Czechoslovakia	18 July 1976	20 December 1977	1978 session	E/CN.4/1277/Add.6
		20 August 1982	1983 session	E/CN.4/1983/24/Add.5
		25 November 1985	1986 session	E/CN.4/1986/29/Add.8
		11 January 1989	1990 session	E/CN.4/1989/31/Add.10
Ecuador	18 July 1976	30 April 1982	1983 session	E/CN.4/1983/24/Add.2
		2 September 1985	1986 session	E/CN.4/1986/29/Add.3
Egypt	13 July 1977	12 November 1980	1981 session	E/CN.4/1415/Add.7/Rev.1
		20 December 1983	1984 session	E/CN.4/1984/36/Add.8
El Salvador	30 December 1979	8 March 1983	1984 session	E/CN.4/1984/36/Add.2
Estonia	20 November 1991	-	-	-
Ethiopia	19 October 1978	2 July 1986	1987 session	E/CN.4/1987/26/Add.9
Gabon	30 March 1980	23 September 1985	1986 session	E/CN.4/1986/29/Add.4
Gambia	28 January 1979	-	-	-
German Democratic Republic*	18 July 1976	29 November 1977	1978 session	E/CN.4/1277/Add.4
		7 January 1980	1980 session	E/CN.4/1353/Add.4
		7 December 1981	1982 session	E/CN.4/1505/Add.8
		25 September 1985	1986 session	E/CN.4/1986/29/Add.5
		3 November 1988	1989 session	E/CN.4/1989/31/Add.8
Ghana	31 August 1978	17 October 1986	1987 session	E/CN.4/1987/26/Add.12
Guinea	18 July 1976	-	-	-

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* In a letter dated 3 October 1990, the Federal Minister for Foreign Affairs of the Federal Republic of Germany informed the Secretary-General "that, through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State."

Annex (continued)

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Guyana	30 October 1977	-	-	-
Haiti	18 January 1978	-	-	-
Hungary	18 July 1976	14 February 1978	1979 session	E/CN.4/1277/Add.16
		15 January 1980	1980 session	E/CN.4/1353/Add.6
		6 October 1981	1982 session	E/CN.4/1505/Add.6
		16 November 1983	1984 session	E/CN.4/1984/36/Add.7
		26 January 1987	1988 session	E/CN.4/1988/30/Add.2
India	22 October 1977	14 January 1980	1980 session	E/CN.4/1353/Add.5
		7 October 1982	1983 session	E/CN.4/1983/24/Add.6
		30 May 1989	1990 session	E/CN.4/1990/32/Add.2
Iran (Islamic Republic of)	18 May 1985	-	-	-
Iraq	18 July 1976	28 December 1979	1980 session	E/CN.4/1353/Add.3
		18 September 1981	1982 session	E/CN.4/1505/Add.5
		30 December 1982	1983 session	E/CN.4/1983/24/Add.10
		11 November 1985	1986 session	E/CN.4/1986/29/Add.6
Jamaica	20 March 1977	10 July 1986	1987 session	E/CN.4/1987/26/Add.10
Jordan	31 July 1992	-	-	-
Kuwait	25 March 1977	16 August 1977	1978 session	E/CN.4/1277/Add.1
Lao People's Democratic Republic	4 November 1981	-	-	-
Latvia	14 May 1992	-	-	-
Lesotho	4 December 1983	-	-	-
Liberia	5 December 1976	-	-	-

Annex (continued)

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Libyan Arab Jamahiriya	7 August 1976	-	-	-
Madagascar	25 June 1977	31 January 1978 20 September 1984	1979 session 1985 session	E/CN.4/1277/Add.13 E/CN.4/1985/26/Add.4
Maldives	24 May 1984	25 September 1986	1987 session	E/CN.4/1987/26/Add.11
Mali	18 September 1977	5 September 1980	1981 session	E/CN.4/1415/Add.3
Mauritania	12 January 1989	-	-	-
Mexico	3 April 1980	24 August 1981 5 November 1986 10 July 1991	1982 session 1987 session -	E/CN.4/1505/Add.3 E/CN.4/1987/26/Add.14 E/CN.4/1993/53/Add.6 b/
Mongolia	18 July 1976	27 October 1981 5 August 1983 28 January 1987	1982 session 1984 session 1988 session	E/CN.4/1505/Add.7 E/CN.4/1984/36/Add.5 E/CN.4/1988/30/Add.3
Mozambique	18 May 1983	-	-	-
Namibia	11 December 1982	-	-	-
Nepal	11 August 1977	-	-	-
Nicaragua	27 April 1980	-	-	-
Niger	28 July 1978	-	-	-
Nigeria	30 April 1977	1 February 1978 22 January 1981	1978 session 1981 session	E/CN.4/1277/Add.12 E/CN.4/1415/Add.9
Oman	21 September 1991	-	-	-
Pakistan	29 March 1986	20 June 1989	1990 session	E/CN.4/1990/32/Add.3
Panama	15 April 1977	31 August 1977 18 October 1990	1978 session 1991 session	E/CN.4/1277/Add.2 E/CN.4/1991/40/Add.1

Annex (continued)

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Peru	1 December 1978	31 December 1982	1983 session	E/CN.4/1983/24/Add.12
		15 July 1985	1986 session	E/CN.4/1986/29/Add.1
		12 December 1988	1989 session	E/CN.4/1989/31/Add.11
Philippines	25 February 1978	9 February 1983	1984 session	E/CN.4/1984/36/Add.1
		17 January 1989	1990 session	E/CN.4/1990/32/Add.1
Poland	18 July 1976	10 February 1978	1979 session	E/CN.4/1277/Add.15
		10 March 1980	1981 session	E/CN.4/1353/Add.11
		17 December 1982	1983 session	E/CN.4/1983/24/Add.9
		9 December 1986	1987 session	E/CN.4/1987/26/Add.15
Qatar	18 July 1976	25 June 1980	1981 session	E/CN.4/1415/Add.1
		15 September 1981	1982 session	E/CN.4/1505/Add.4
		22 July 1983	1984 session	E/CN.4/1984/36/Add.3
		2 June 1986	1987 session	E/CN.4/1987/26/Add.7
		10 June 1988	1989 session	E/CN.4/1989/31/Add.6
Romania	14 September 1978	3 November 1980	1981 session	E/CN.4/1415/Add.6
		25 May 1988	1989 session	E/CN.4/1989/31/Add.5
Rwanda	22 February 1981	14 October 1983	1984 session	E/CN.4/1984/36/Add.6
		27 May 1986	1987 session	E/CN.4/1987/26/Add.6
		10 October 1988	1989 session	E/CN.4/1989/31/Add.7
Saint Vincent and the Grenadines	9 December 1981	30 June 1982	1983 session	E/CN.4/1983/24/Add.4
Sao Tome and Principe	4 November 1979	-	-	-
Senegal	20 March 1977	11 January 1978	1978 session	E/CN.4/1277/Add.10
		28 February 1991	-	E/CN.4/1993/Add.2 b/
Seychelles	15 March 1978	6 March 1986	1987 session	E/CN.4/1987/26/Add.4

Annex (continued)

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Slovenia	6 July 1992	-	-	-
Somalia	18 July 1976	-	-	-
Sri Lanka	20 March 1982	19 January 1988	1988 session	E/CN.4/1988/30/Add.8
Sudan	20 April 1977	-	-	-
Suriname	3 July 1980	21 August 1985	1986 session	E/CN.4/1986/29/Add.2
Syrian Arab Republic	18 July 1976	9 January 1978	1978 session	E/CN.4/1277/Add.9
		18 December 1979	1980 session	E/CN.4/1353/Add.2
		18 January 1982	1982 session	E/CN.4/1505/Add.10
		8 November 1985	1986 session	E/CN.4/1986/29/Add.7
Togo	23 June 1984	-	-	-
Trinidad and Tobago	25 November 1979	29 January 1988	1989 session	E/CN.4/1989/31/Add.3
Tunisia	20 February 1977	30 January 1980	1981 session	E/CN.4/1353/Add.9
		14 February 1983	1984 session	E/CN.4/1983/24/Add.14
		2 April 1991	-	E/CN.4/1993/52/Add.4 b/
Uganda	10 July 1986	-	-	-
Ukraine	18 July 1976	17 March 1978	1979 session	E/CN.4/1277/Add.17
		28 October 1980	1981 session	E/CN.4/1415/Add.5
		10 January 1983	1983 session	E/CN.4/1983/24/Add.11
		20 December 1984	1985 session	E/CN.4/1985/26/Add.5
		5 January 1987	1988 session	E/CN.4/1988/30/Add.1

Annex (continued)

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Union of Soviet Socialist Republics**	18 July 1976	20 January 1978 25 August 1980 17 December 1981 13 February 1984 5 March 1986 6 December 1988 26 August 1991	1978 session 1981 session 1982 session 1985 session 1987 session 1989 session -	E/CN.4/1277/Add.11 E/CN.4/1415/Add.2 E/CN.4/1505/Add.9 E/CN.4/1984/36/Add.10 E/CN.4/1987/26/Add.3 E/CN.4/1989/31/Add.9 E/CN.4/1993/52/Add.7 b/
United Arab Emirates	18 July 1976	9 December 1977 23 July 1979 5 August 1981	1978 session 1980 session 1982 session	E/CN.4/1277/Add.5 E/CN.4/1353/Add.1 E/CN.4/1505/Add.2
United Republic of Tanzania	18 July 1976	-	-	-
Venezuela	27 February 1983	30 June 1986 24 April 1991	1987 session -	E/CN.4/1987/26/Add.8 E/CN.4/1993/52/Add.5 b/
Viet Nam	9 July 1981	-	-	-
Yemen	17 September 1987	-	-	-

** In a note transmitted on 26 December 1991, the Ministry of Foreign Affairs of the Russian Federation informed the Secretary-General "that the membership of the Union of Soviet Socialist Republics in the United Nations and all of its bodies as well as the participation in all the conventions, agreements and other international legal instruments signed in the framework of the United Nations or under its auspices, is continued by the Russian Federation ..."

Annex (continued)

State party	Date of entry into force	Date of submission of report(s)	Session at which the report was considered	Documents containing initial and periodic reports, if any
Yugoslavia	18 July 1976	28 January 1980 14 December 1982 24 July 1984 27 January 1988	1981 session 1983 session 1985 session 1989 session	E/CN.4/1353/Add.8 E/CN.4/1983/24/Add.7 E/CN.4/1985/26/Add.2 E/CN.4/1989/31/Add.2
Zaire	10 August 1978	-	-	-
Zambia	15 March 1983	-	-	-
Zimbabwe	12 June 1991	-	-	-

a/ The Commission on Human Rights called upon the States parties to submit their first report under article VII of the Convention not later than two years after becoming parties to the Convention and their periodic reports at four-yearly intervals, with the understanding that they might submit additional information to the group at any time they wished in the intervening period.

b/ Scheduled for consideration by the Group of Three at its fifteenth (1993) session.